



SUMMARY ABATEMENT ORDER AND NOTICE OF HEARING

WESTERN FUNDING INC
PO BOX 94858
LAS VEGAS NV 89193

AGENDA ITEM:	4c <i>march 28, 2013</i>
HEARING DATE:	March 14, 2013
HEARING TIME:	6:30 p.m.
HEARING PLACE:	City Hall, Council Chambers 200 E Santa Clara Street San Jose, CA 95113

**RE: 2202 Stevens Creek Boulevard
San Jose CA 95128**
APN: 277-04-064

TO THE PROPERTY OWNER AND ALL OTHER PERSONS HAVING ANY LEGAL INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY OF SAN JOSE:

Please be advised that after inspections of the above described property by field investigators of the Code Enforcement Division, it has been determined that the property was found to be imminently dangerous based on the following conditions: Boards securing a door opening were found broken which allowed free access to the building interior. The perimeter fencing had a section that was open allowing free access to the building.

The costs of the abatement actions, including the total cost of the actions taken and any allowable inspection fees, will be invoiced to the property owner. The invoice shall be paid within 30 days from the date that the invoice is mailed. Failure to pay the invoice amount may result in the imposition of an assessment and a lien against the property in accordance with San Jose Municipal Code Section 17.02.350.

Any person having any record, title or legal interest in the property may appear and protest the abatement action taken as identified in this Notice of Hearing at the time and place specified above. Please be advised that pursuant to San Jose Municipal Code Section 17.02.120, the City Manager may file in the Office of the County Recorder a certificate declaring the property a Public Nuisance. Failure to file a written protest prior to the hearing date or to appear at such hearing will constitute a failure to exhaust the administrative remedies.

Should you have any questions regarding this matter, please contact Carolyn Slezak, Code Enforcement Inspector, at (408) 535-7890.

Diane Buchanan, Acting Deputy Director
Planning, Building and Code Enforcement

Enclosure

OWNER: Western Funding Inc.
PO Box 94858
Las Vegas, NV 89193

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200 E Santa Clara Street
San Jose, CA 95113

ADDRESS: 2202 Stevens Creek Boulevard
APN: 277-04-064

INSPECTION REPORT

Status of Property

This commercial building located at 2202 Stevens Creek Boulevard, San Jose, CA ("Subject Property") is vacant. As part of this summary abatement, one door and an open perimeter fence section was secured by the City to prevent unauthorized entry.

San Jose Municipal Code Violations

17.72.30 Prohibition of Property Blight

- A. No person, whether as owner, agent, manager, operator, lessee, tenant sublessee, or occupant in possession of a property, shall maintain a blighted property or cause or permit property to be maintained as a blight property.
- B. No person, whether as owner, agent, manager, operator, lessee, sublessee, tenant or occupant of a property, shall take any action or allow any action to be taken at that property in violation of any provisions of this chapter or any order issued pursuant to the provisions of this chapter.

Board securing open doorway had been broken and a perimeter fence section open and unable to be secured.

17.72.505 Unsecured building or structure

Any building or structure that is unsecured constitutes property blight. A building or structure is unsecure when either of the following conditions exist:

- A. The building or structure is inhabited, occupied or used without the consent of the owner of the agent of the owner; or
- B. Unauthorized persons can readily gain entry to the building or structure without the consent of the owner or the agent of the owner.

Board securing open doorway had been broken open and a perimeter fence section open and unable to be secured. There was one homeless person sleeping in the building at the time of inspection and evidence of additional occupancy.

Chronology

02/12/2013 Code Enforcement Inspector Carolyn Slezak conducted an inspection of the Subject Property and found that the door formerly boarded up to prevent access had been broken into and was unsecure. A fence section on the perimeter fencing was open and unsecure.

Two (2) photographs were taken of the Subject Property. See true and correct photographs attached hereto as **EXHIBIT A.**

02/12/2013 On the same day, Inspector Slezak called a representative of Western Funding who advised that they would not be able to secure the property by the end of the day. They advised that they would be unlikely to be able to secure it within 24 hours.

On the same day, Inspector Slezak notified the City's contractor "Tucker Construction Company", to secure the door and open perimeter fence section. Two (2) photographs were taken of the Subject Property. See true and correct photographs attached hereto as **EXHIBIT B.**

CODE ENFORCEMENT STAFF RECOMMENDATIONS

Staff recommends that the San Jose Appeals Hearing Board uphold the abatement actions taken by the City of San Jose to secure the property.

ATTESTING STATEMENT OF CODE ENFORCEMENT INSPECTOR

1. I am the Code Enforcement Inspector for the City of San Jose assigned to investigate the potential Municipal Code Violations at 2202 Stevens Creek Boulevard, that are the subject of this Inspection Report.
2. I have prepared and reviewed this Inspection Report and can attest to the truth of the matters stated above.



Carolyn Slezak
Code Enforcement Inspector

Exhibit A



2202 Stevens Creek Boulevard Open Doorway Before



2202 Stevens Creek Boulevard Fencing Gap Before

Exhibit B



2202 Stevens Creek Boulevard Doorway After



2202 Stevens Creek Boulevard Fencing Gap After